IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

WP(C).No. 10256 of 2007(U)

PETITIONER:

ICICI BANK LTD.,
2ND FLOOR, SKYLINE CITADEL, KANJIKUZHY,
KOTTAYAM-8, REPRESENTED BY ZACHARIAH JOSE,
COLLECTORATE MANAGER.

BY ADV. SRI.ALAN PAPALI,
SRI.M.GEORGE THOMAS.

RESPONDENTS:
----

1. **THE REGIONAL TRANSPORT OFFICER,**
   KOTTAYAM.

2. **THE JOINT REGIONAL TRANSPORT OFFICER,**
   THIRUVALLA.

3. **THE JOINT REGIONAL TRANSPORT OFFICER,**
   KAZHAKUTTAM.

4. **RAJESHKUMAR N.S.,**
   ASHA BHAVAN, PODIYADI, THIRUVALLA-689 110.

5. **THE SUB INSPECTOR OF POLICE,**
   THIRUVALLA POLICE STATION.

BY GOVT. PLEADER SMT. N. SUDHADEVI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.10256/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE SALE CERTIFICATE ISSUED BY THE MANUFACTURER IN THE NAME OF THE R.4. DTD. 20/11/2004.

EXT.P.2: COPY OF THE TEMPORARY CERTIFICATE OF REGISTRATION ISSUED BY THE R.3. REGISTERING AUTHORITY, KAZHAKUTTOM.

EXT.P.3: COPY OF THE ORDER OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, THIRUVALLA DTD. 27/07/2005.

EXT.P.4: COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE R.1. DTD. 20/03/2007.

EXT.P.5: COPY OF THE FORM 36 REQUEST GIVEN BY THE PETITIONER TO THE R.1.

EXT.P.6: COPY OF THE ORDER OF THE R.1. DTD. 20/03/2007.

EXT.P.7: COPY OF THE RECEIPT ISSUED BY THE R.1. DTD. 20/03/2007.

EXT.P.8: COPY OF THE ORDER IN W.P.(C). NO. 14531/2006 DTD. 20/06/2006 OF THIS HONOURABLE COURT.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 10256 OF 2007-U

JUDGMENT

The petitioner Bank advanced a loan to the 4th respondent, to purchase a car. The said respondent obtained temporary registration for it. He never cared to get permanent registration for it. He did not pay the amount due to the Bank also. So, the vehicle was seized by the Bank, invoking the provisions of the hire-purchase agreement. Later, on the complaint of the 4th respondent a crime was registered and the vehicle was seized and produced before the Judicial First Class Magistrate, Thiruvalla. The petitioner got the vehicle released under Ext.P3 order from the said court. Thereafter, it moved for issuing a fresh registration certificate for the vehicle, by filing Ext.P4 application before the 1st respondent. The said application was rejected by Ext.P6 order. This Writ Petition is filed, challenging Ext.P6.

2. Ext.P4 was rejected mainly on the ground of want of territorial jurisdiction. The learned Government Pleader does not support the findings in Ext.P6, regarding territorial jurisdiction. The application is rejected on the ground of non-production of original documents also. It is pointed out

that if the petitioner produces the originals of the documents, registration would be granted by the 1st respondent. The learned counsel for the petitioner submits that it is impossible to get the original documents from the 4th respondent. Therefore, the 1st respondent may be directed to register the vehicle, based on duplicate copies or photo copies of the sale letter and other documents.

3. Having regard to the facts of the case, it is impossible to get the original documents. If the stand of the 1st respondent that without the original documents the vehicle cannot registered is accepted, a Chevrolet Optra Car will have to be scrapped, as it cannot be put on the road without registration. But, I feel that the said contention cannot be accepted. The petitioner shall produce copies of the documents available with it before the 1st respondent. In that event, the said respondent shall enquire into the claim of the petitioner and if it is found to be genuine, the vehicle shall be registered without insisting for the originals of the sale letter etc., provided the petitioner satisfies other conditions regarding registration.

The Writ Petition is disposed of as above.

29th March, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/